

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JEREMY EDEN,)	
)	
Plaintiff,)	
)	No. 4:15CV00212-ERW
v.)	
)	
RONALD VAUGHAN, et al.,)	
)	
Defendants.)	

MOTION TO QUASH SUBPOENA

Comes now non-party witness, John Garvey, and in support of his Motion to Quash pursuant to Rule 45(d)(3)(A) states as follows:

1. Witness has reason to believe Plaintiff's counsel is requesting presence at trial to testify as to what Witness adduced and reviewed at Motion to Suppress evidence hearing involving Plaintiff wherein Witness was the Judge presiding.

2. Witness issued a written Order in that case.

3. Subpoena commands Witness presence for September 6, 2016.

4. Attendance by Witness on both September 6th and 7th would be an undue burden on Witness for the following reasons:

- a. On Sept 6th Witness will be presiding as a hearing officer in the employment case of *In Re Cynthia Schuenke* (Franklin County, No. 10AB-CC00035, and Missouri Court of Appeals, #ED100928). This is a contentious re-hearing mandated by court of appeals, and the procurement of this hearing date was extremely difficult.
- b. On September 7, 2016 Witness will be involved as lawyer in court ordered mediation in the case of *Orrick v. Glaxo Smithkline LLC* (City of St Louis, No. 1322-CC00079-

01). This is a multi-plaintiff, multimillion dollar case involving parties from all over the country who are meeting in St. Louis for a day long mediation. Witness is deeply involved as an attorney of record in settlement negotiations and it would be an extreme undue burden to miss any portion of this mediation.

For these reasons, witness respectfully requests this court to quash this subpoena for the reason it is unduly burdensome pursuant to Rule 45(d)(3)(A)(iv).

CAREY, DANIS & LOWE

By: /s/John F. Garvey

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